

To the extent inconsistent with this purpose, all laws governing contracts by a particular municipality or class thereof are superseded. In all other respects such laws shall continue applicable.

Sec. 2. **Effective date.** This act is effective July 1, 1969.

Approved June 4, 1969.

CHAPTER 935—H. F. No. 2782

[Not Coded]

An act relating to the village of Plymouth; authorizing the village to issue general obligation bonds for land acquisition purposes.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Plymouth, village of; obligation bonds.** Subdivision 1. The council of the village of Plymouth may by resolution authorize the issuance of general obligation bonds of the village in an amount not to exceed \$85,000 for the purpose of acquiring land for the construction of maintenance and other facilities within the village by the state department of highways. The bonds shall be issued and sold pursuant to Minnesota Statutes 1967, Chapter 475.

Subd. 2. The village upon acquiring the land is authorized to convey the same to the state of Minnesota upon such consideration, terms and conditions as may be agreed upon between the village council and the commissioner of highways.

Sec. 2. This act takes effect when approved by the council of the village of Plymouth and upon compliance with Minnesota Statutes, Section 645.021, and upon the agreement of the state of Minnesota, through the commissioner of highways to accept such conveyance.

Approved June 4, 1969.

CHAPTER 936—H. F. No. 2899

[Coded in Part]

An act relating to benefits under the workmen's compensation

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law; amending Minnesota Statutes 1967, Sections 176.011, Subdivision 15; 176.061, Subdivision 2, and by adding a subdivision; 176.101, Subdivisions 1, 2, 3, and 4; 176.111, Subdivisions 1, 2, 19, and 20; and 176.121.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [176.095] **Workmen's compensation; benefits; legislative findings.** *The legislature finds that workmen's compensation benefits for total disabilities should exceed those benefits provided for partial disabilities in order to fairly compensate the person unable to engage in gainful employment or suffering an injury described in Minnesota Statutes, Section 176.101, Subdivision 5. It is the policy of the legislature that any change in the benefit schedule for total disability be accompanied by an appropriate change in the benefit schedule for partial disability.*

Sec. 2. Minnesota Statutes 1967, Section 176.011, Subdivision 15, is amended to read:

Subd. 15. **Occupational disease.** "Occupational disease" means a disease arising out of and in the course of employment peculiar to the occupation in which the employee is engaged and due to causes in excess of the hazards ordinary of employment and shall include undulant fever. Ordinary diseases of life to which the general public is equally exposed outside of employment are not compensable, except where such diseases follow as an incident of an occupational disease, or where the exposure peculiar to the occupation makes such disease an occupational disease hazard. A disease arises out of the employment only if there be a direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident of the work as a result of the exposure occasioned by the nature of the employment. An employer is not liable for compensation for any occupational disease which cannot be traced to the employment as a direct and proximate cause and is not recognized as a hazard characteristic of and peculiar to the trade, occupation, process, or employment or which results from a hazard to which the workman would have been equally exposed outside of the employment. If immediately preceding the date of his disablement or death, an employee was employed on active duty with an organized fire or police department of any municipality, as a member of the Minnesota highway patrol, conservation officer service, ~~or~~ state crime bureau, *or sheriff or full time deputy sheriff of any county*, and his disease is that of myocarditis, coronary sclerosis, pneumonia or its sequel, and at the time of his employment such employee was given a thorough physical examination by a licensed doctor of medicine, and a written report thereof has been made and filed

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with such organized fire or police department, with the Minnesota highway patrol, conservation officer service, ~~or~~ state crime bureau, *or sheriff's department of any county*, which examination and report negatived any evidence of myocarditis, coronary sclerosis, pneumonia or its sequel, the disease is presumptively an occupational disease and shall be presumed to have been due to the nature of his employment.

Sec. 3. Minnesota Statutes 1967, Section 176.061, Subdivision 2, is amended to read:

Subd. 2. Action for recovery of damages. If the employee, in case of injury, or his dependents, in case of death, brings an action for the recovery of damages, the amount thereof, the manner in which, and the persons to whom the same are payable, shall be as provided in this chapter. In no case shall such party be liable to any person other than the employee or his dependents for any damages resulting from such injury or death.

~~If an action as provided in this chapter prosecuted by the employee, the employer, or both jointly against the third person, results in judgment against such third person, or settlement by such third person, the employer shall have no liability to reimburse or hold such third person harmless on such judgments or settlements in absence of a written agreement to do so executed prior to the injury.~~

Sec. 4. Minnesota Statutes 1967, Section 176.061, is amended by adding a subdivision to read:

Subd. 10. Employer not liable to third party. If an action as provided in this chapter prosecuted by the employee, the employer, or both jointly against the third person, results in judgment against such third person, or settlement by such third person, the employer shall have no liability to reimburse or hold such third person harmless on such judgments or settlements in absence of a written agreement to do so executed prior to the injury.

Sec. 5. Minnesota Statutes 1967, Section 176.101, Subdivision 1, is amended to read:

176.101 Compensation schedule. Subdivision 1. **Temporary total disability.** For injury producing temporary total disability, 66-2/3 percent of the daily wage at the time of injury subject to a maximum compensation of ~~\$60~~ \$70 per week and a minimum compensation of \$17.50 per week. This compensation shall be paid during the period of disability, but not exceeding 350 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be.

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Sec. 6. Minnesota Statutes 1967, Section 176.101, Subdivision 2, is amended to read:

Subd. 2. **Temporary partial disability.** In all cases of temporary partial disability the compensation shall be $66\frac{2}{3}$ percent of the difference between the daily wage of the worker at the time of injury and the wage he is able to earn in his partially disabled condition. This compensation shall be paid during the period of disability, but not beyond 350 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to ~~the a~~ maximum compensation ~~stated in subdivision 1~~ of \$63 per week. If the employer does not furnish the worker with work which he can do in his temporary partially disabled condition and he is unable to procure such work with another employer, after reasonably diligent effort, the commission may fix a rate of compensation to be paid to the worker during the period of disability and unemployment, but not beyond 350 weeks; which shall be based upon the percentage of his general physical disability as determined from competent medical testimony adduced at a hearing before a referee, a commissioner, or the commission.

Sec. 7. Minnesota Statutes 1967, Section 176.101, Subdivision 3, is amended to read:

Subd. 3. **Permanent partial disability.** For the permanent partial disability from the loss of a member the compensation ~~during the healing period, but not exceeding 104 weeks, shall be $66\frac{2}{3}$ percent of the difference between the daily wage of the worker at the time of injury and any wages he is able to earn in his partially disabled condition, subject to a maximum as stated in subdivision 1 and for total disability during the healing period shall be as stated in subdivision 1. For partial disability during the healing period the compensation shall be as stated in subdivision 2. The healing period shall not exceed 104 weeks.~~ Thereafter and in addition thereto, compensation shall be that named in the following schedule, subject to a maximum compensation of ~~\$60~~ \$63 per week:

- (1) For the loss of a thumb, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 65 weeks;
- (2) For the loss of a first finger, commonly called index finger, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 40 weeks;
- (3) For the loss of a second finger, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 35 weeks;
- (4) For the loss of a third finger, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 25 weeks;

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(5) For the loss of a fourth finger, commonly called the little finger, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 20 weeks;

(6) The loss of the first phalange of the thumb or of any finger, is considered equal to the loss of one-half of the thumb or finger and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the thumb or finger;

(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

(8) For the loss of a great toe, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 15 weeks;

(10) The loss of the first phalange of any toe is considered equal to the loss of one-half of the toe, and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the toe;

(11) The loss of one and one-half or more phalanges is considered equal to the loss of the entire toe;

(12) For the loss of a hand, not including the wrist movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(13) For the loss of a hand, including wrist movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(14) For the loss of an arm, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 270 weeks;

(15) Amputation of the arm below the elbow is considered the loss of a hand, including wrist movement, if enough of the forearm remains to permit the use of an effective artificial member, otherwise it is considered the loss of an arm;

(16) For the loss of a foot, not including ankle movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 140 weeks;

(17) For the loss of a foot, including ankle movement, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 165 weeks;

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(18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 195 weeks;

(19) For the loss of a leg so close to the hip that no effective artificial member can be used, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 220 weeks;

(20) Amputation of a leg below the knee is considered as equal to the loss of a foot, including ankle movement, if enough of the lower leg remains to permit the use of an effective artificial member, otherwise it is considered as equal to the loss of a leg;

(21) For the loss of an eye, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 160 weeks;

(22) For the complete permanent loss of hearing in one ear, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 55 weeks;

(23) For the complete permanent loss of hearing in both ears, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 170 weeks;

(24) For the loss of an eye and a leg, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 400 weeks;

(25) For the loss of an eye and an arm, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 400 weeks;

(26) For the loss of an eye and a hand, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 450 weeks;

(27) For the loss of an eye and a foot, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 400 weeks;

(28) For the loss of two arms, other than at the shoulder, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, $66\frac{2}{3}$ percent of the daily wage at the time of injury during 500 weeks;

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(32) For the loss of one arm and the other hand, 66-2/3 percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, 66-2/3 percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot, 66-2/3 percent of the daily wage at the time of injury during 500 weeks;

(35) For the loss of one leg and one hand, 66-2/3 percent of the daily wage at the time of injury during 500 weeks;

(36) For the loss of one arm and one foot, 66-2/3 percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, 66-2/3 percent of the daily wage at the time of injury during 500 weeks;

(38) For disfigurement not resulting from the loss of a member or other injury specifically compensated, affecting the employability of the injured person in the employment in which he was injured or other employment for which the employee is then qualified, 66-2/3 percent of the daily wage at the time of injury during such period as the commission determines, not beyond 90 weeks;

(39) For permanent partial disability resulting from injury to the back, 66-2/3 percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by the percentage of such permanent partial disability as is determined from competent testimony adduced at a hearing before a referee, a commissioner, or the commission;

(40) When an employee sustains concurrent injuries resulting in concurrent disabilities he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this does not affect liability for disfigurement affecting the employability of the injured person or liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in subdivision 5;

(41) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draws the same compensation as the loss of that member, but the compensation in and by this schedule provided shall be in lieu of all other compensation in such cases, except as otherwise provided by this section;

In the event a workman has been awarded, or is entitled to receive, a compensation for loss of use of a member under any work-

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men's compensation law, and thereafter sustains a loss of such member under circumstances entitling him to compensation therefor under the workmen's compensation act, as amended, the amount of compensation awarded, or that he is entitled to receive, for such loss of use, is to be deducted from the compensation due under the schedules of this section for the loss of such member, provided, that the amount of compensation due for the loss of the member caused by the subsequent accident is in no case less than 25 percent of the compensation payable under the schedule of this section for the loss of such member;

(42) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the member which the extent of the injury to the member bears to its total loss;

(43) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs 24 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

(44) The commission may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

(45) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be $66\frac{2}{3}$ percent of the difference between the daily wage of the worker at the time of the injury and the daily wage he is able to earn in his partially disabled condition, subject to a maximum of ~~\$60~~ \$63 per week, and continue during disability, not beyond 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the commission may fix a rate of compensation to be paid to the worker during the period of his unemployment, not beyond 350 weeks, which is to be based upon the percentage of his general physical disability as deter-

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mined from competent medical testimony adduced at a hearing before a referee, a commissioner, or the commission.

Sec. 8. Minnesota Statutes 1967, Section 176.101, Subdivision 4, is amended to read:

Subd. 4. **Permanent total disability.** For permanent total disability, as defined in subdivision 5, the compensation shall be $66\frac{2}{3}$ percent of the daily wage at the time of the injury, subject to a maximum compensation of ~~\$60~~ \$70 per week and a minimum compensation of \$17.50 per week. If the wages of the employee at the time of the injury are \$17.50 or less per week, he shall receive the full amount of his wages per week. This compensation shall be paid during the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if such disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. Such reduction shall also apply to any old age and survivor insurance benefits. Payments shall be made at the intervals when the wage was payable, as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of his confinement in such institution, unless he has wholly dependent on him for support some person named in section 176.111, subdivisions 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of such confinement, shall be paid for the benefits of such dependent person during dependency. The dependency of such persons shall be determined as though the employee were deceased.

Sec. 9. Minnesota Statutes 1967, Section 176.111, Subdivision 1, is amended to read:

176.111 **Dependents, allowances.** Subdivision 1. **Persons wholly dependent, presumption.** For the purposes of this chapter the following persons are conclusively presumed to be wholly dependent:

(a) wife, unless it be shown that she was voluntarily living apart from her husband at the time of his injury or death;

(b) ~~minor~~ children under ~~the age of 16 years~~ 18 years of age, or a child under the age of 19 years who is regularly attending as a full time student at a high school, college, or university, or regularly attending as a full time student in a course of vocational or technical training.

Changes or additions indicated by italics, deletions by strikeout.

Sec. 10. Minnesota Statutes 1967, Section 176.111, Subdivision 2, is amended to read:

Subd. 2. **Children.** Children ~~between 16 and~~ 18 years of age, or ~~children~~ over 18 when physically or mentally incapacitated from earning, are prima facie considered dependent.

Sec. 11 Minnesota Statutes 1967, Section 176.111, Subdivision 19, is amended to read:

Subd. 19. **Compensation; maximum, minimum.** The compensation payable in case of death to persons wholly dependent is subject to a maximum compensation of ~~\$60~~ \$70 per week and a minimum of \$17.50 per week. If at the time of injury the employee receives wages of \$17.50 or less per week, then the compensation shall be the full amount of the wages per week. The compensation payable to partial dependents is subject to a maximum of ~~\$60~~ \$70 per week and a minimum of \$17.50 per week. If the income loss of partial dependents by such death is \$17.50 or less per week, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency but shall not exceed \$25,000 in case of a dependent wife, child, or orphan and shall not exceed 300 weeks in case of any other dependent, payments to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 12. Minnesota Statutes 1967, Section 176.111, Subdivision 20, is amended to read:

Subd. 20. **Actual dependents, compensation.** Actual dependents are entitled to take compensation in the order named in subdivision 3 during dependency until 66-2/3 percent of the daily wage of the deceased at the time of injury is exhausted. This compensation shall not exceed \$25,000 in case of a dependent wife, child, or orphan or continue beyond 300 weeks in case of any other dependent. The total compensation to be paid to full actual dependents of a deceased employee shall not exceed in the aggregate ~~\$60~~ \$70 per week.

Sec. 13. Minnesota Statutes 1967, Section 176.121, is amended to read:

176.121 **Commencement of compensation.** In cases of temporary total or temporary partial disability no compensation shall be allowed for the ~~first week~~ *three days* after the disability commenced, except as provided by section 176.135, nor in any case unless the employer has actual knowledge of the injury or is notified thereof within the period specified in section 176.141. If such disability continues for ~~three weeks~~ *10 days* or longer, such compensation shall be computed from the commencement of the disability.

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 14. **Study.** *The workmen's compensation advisory committee shall study and present to the legislature and the governor prior to January 1, 1971, its findings relative to the cost, method of financing, and the formula to be used to provide supplemental benefits to those workers who have been determined to be permanently and totally disabled prior to July 1, 1969.*

Sec. 15. **Effective date.** *This act is effective September 1, 1969.*

Approved June 4, 1969.

CHAPTER 937—S.F. No. 2002

[Not Coded]

An act providing for certain positions to be in the unclassified service of the city of Minneapolis.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Minneapolis, city of; unclassified service.**
Subdivision 1. Notwithstanding any provisions of the Minneapolis city charter, veterans preference act, or civil service rule, law, or regulation to the contrary, the positions referred to in subdivisions 2, 3 and 4 of this section shall be in the unclassified service of the city of Minneapolis, and any person presently holding or who shall hereafter be appointed to any of such positions shall serve at the pleasure of the appointing authority indicated in the respective subdivision.

Subd. 2. The city council by a majority vote thereof may appoint not more than three suitable persons as it may deem necessary to serve as administrative aides to the council and its presiding officer and may designate such positions by such titles as it shall determine.

Subd. 3. The mayor of the city of Minneapolis may appoint a suitable person as his administrative deputy.

Subd. 4. Such appointing authority as may be designated by ordinance of the city of Minneapolis may appoint any suitable person as director of the department of human rights of said city.

Sec. 2. If a person appointed to any of the positions referred to in section 1 of this act is at the time of such appointment a member of the classified service of the city of Minneapolis, such appointee shall be deemed to be on leave of absence during his tenure in such

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